

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8548 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHALUBHAI C THAKORE & Ors

Versus

CHARITY COMMISSIONER

Appearance:

MR SUREN M SHAH for Petitioners

Ms Harsha Dewani, A.G.P. for the respondent.

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 28/01/97

ORAL JUDGEMENT

Learned Counsel for the petitioners seeks permission to delete respondent no.1 and respondents no.3 to 9 from the petition. Permission as prayed for is granted.

Rule. Ms. Harsha Dewani, learned A.G.P. waives service of notice of rule on behalf of the respondent.

At the request of learned Advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Articles 226 & 227 of the Constitution, the petitioners have prayed to issue an appropriate writ, order or direction to quash the proceedings of Trust Application no.36-329-66/657,1967 which is disposed of by the Charity Commissioner as well as proceedings of Civil Suit no.714/92 which is also disposed of by City Civil Court, Ahmedabad. The petition involves highly disputed questions of fact and, therefore, the reliefs claimed in the petition cannot be granted. However, from the averments made in the petition it is evident that the petitioners have submitted necessary application to the Charity Commissioner on June 21,1993, which is not yet disposed of. On the facts of the case, I am of the view that interest of justice would be served if the respondent is directed to decide the said application as early as possible.

For the foregoing reasons, the petition partly succeeds. The respondent is directed to decide the application dated June 21,1993 submitted by the petitioner on merits and in accordance with law. The application submitted by the respondent shall be disposed of by the respondent as early as possible and preferably within two months from today. Office is directed to send copy of writ to the respondent immediately. It will also be open to the petitioners to produce copy of judgment before the respondent for necessary compliance.

Rule is made absolute accordingly, with no order as to costs. =====